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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,878	05/30/2001	John L. Coker	SIEB017/01US	4488
25096	7590	10/22/2003	EXAMINER	
			NGUYEN BA, HOANG VU A	
PERKINS COIE LLP		PATENT-SEA	ART UNIT	PAPER NUMBER
P.O. BOX 1247			2122	17
SEATTLE, WA 98111-1247			DATE MAILED: 10/22/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

PPL

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/866,878	COKER ET AL.
	Examiner	Art Unit
	Hoang-Vu A Nguyen-Ba	2122

-- The MAILING DATE of this communication app ars on th cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 August 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 32-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 32-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This action is responsive to amendment filed August 20, 2003.
2. Per Applicants' request, claim 34 has been amended. Claims 32-42 are now pending.

### *Response to Argument(s)*

3. Applicant's arguments filed August 20, 2003 have been fully considered but they are not persuasive. Following is the examiner's response to applicants' arguments.

4. Rejection under 35 U.S.C. § 102(e)

With respect to claim 32, Applicants submitted that Rossides' characterization of more specific question nodes such as question node 3028 as questions rather than answers precludes Rossides from satisfying the standard for a proper rejection under 35 U.S.C. § 102 because question node 3028 in no way specify an answer anticipated from the respondent in response to question substructures as recited.

In response to applicants' argument, the examiner notes that the answer in response to question substructure "What's IBM's Phone Number?", identified as "Q" is another question such as "For Tech Support?", identified as (MS-Q1) or "For Inkjets?". The answer presented as another question is designed to lead the script to a more specific answer expected by the customer, e.g., Tech support help or information about Inkjet products. Answer such as "For Tech Support?" is anticipated by the customer when he/she is seeking for the Tech Support help. Thus, the examiner maintains that the limitation recited in claim 32 reads on Rossides's teaching and that the rejection under 35 U.S.C. § 102(e) of claim 32 is proper.

With respect to claims 33 and 34, Applicants submitted that Applicants can find no mention in Rossides of queries that are executed to select a new question to be posed when a particular answer is given to an earlier-posed question.

In response to the above argument, the examiner notes that the particular answer “What’s a 1-800 Number for IBM?” is given to the earlier-posed question “What’s IBM’s Phone Number?” and that queries are being executed to select a new question to be posed such as “For Laptop Product Information?” or “For Laptop Complaints and Suggestions?” or “For Laptop Tech Support?” Contrary to Applicants’ assertion, Rossides does teach queries that are executed to select a new question to be posed when a particular answer is given to an earlier-posed question.

In view of the foregoing, the rejection of claims 32-34 under 35 U.S.C. § 102(e) is considered to be proper and maintained.

5. Rejection under 35 U.S.C. § 112, first paragraph

Applicants’ showing of evidence of support in the specification for the term “edges” has been fully considered but the support is considered to be marginal because it is unclear how the limitation “internally, in a graphical representation, scripts are implemented with ‘paths’ and branches are implemented with ‘edges’”, page 19, lines 29-30, cited by applicants provides adequate support for the following limitation “a second table specifying a plurality of edges, each edge identifying (1) a source answer for a source question and (2) a destination question, such that the contents of the first table can be used to pose a question and ...” recited in claim 35. Therefore, the rejection of claims 35-42 under 35 U.S.C. § 112, first paragraph is maintained.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 35-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, claims 35-42 recite the following limitations:

“...a plurality of **edges**, each edge identifying (1) a source answer for a source question and (2) a destination question, ...” (claim 35);

“... definitions of a plurality of **edges**, each specified edge definition defining an edge that maps from one or more questions...” (claims 37 and 42).

There appears to be no support for these limitations in the specification.

*Claim Rejections – 35 U.S.C. § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 32-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,131,085 to Rossides.

### **Claim 32**

Rossides discloses at least (see at least Figures 30B, 30C and related discussion in the specification):

*a plurality of question substructures (e.g., Q, MS-Q1, MS-Q1A, MS-Q2, MS-Q2A, MS-Q2B, MS-Q2C, MS-Q3), each question substructure:*

*being identified by a question substructure identifier (e.g., Q, MS-Q1, MS-Q1A, MS-Q2, MS-Q2A, MS-Q2B, MS-Q2C, MS-Q3),*

*specifying a question to be asked of the respondent (e.g., “For Tech Support?”, “For Inkjets?”, “What’s a 1-800 Number for IBM?”, etc.), and*

*containing one or more answer substructure identifiers each identifying an answer substructure (e.g., MS-Q1, MS-Q1A, MS-Q2, MS-Q2A, MS-Q2B, MS-Q2C, MS-Q3), ; and*

*a plurality of answer substructures (e.g., MS-Q1, MS-Q1A, MS-Q2, MS-Q2A, MS-Q2B, MS-Q2C, MS-Q3, “800-333-4444”, 3042, 3044, 3046), each answer substructure:*

*being identified by an answer substructure identifier (e.g., Q, MS-Q1, MS-Q1A, MS-Q2, MS-Q2A, MS-Q2B, MS-Q2C, MS-Q3),*

*specifying an answer anticipated from the respondent in response to question*

*substructures containing the answer substructure identifier of the answer substructure (e.g., “For Tech Support?”, “For Inkjets?”, “What’s a 1-800 Number for IBM?”, etc.), and*

*containing a question identifier identifying the next question to be asked of the respondent if the specified answer is received from the respondent (e.g., MS-Q1, MS-Q1A, MS-Q2, MS-Q2A, MS-Q2B, MS-Q2C, MS-Q3).*

### **Claim 33**

Rossides discloses at least (see at least Figures 30B, 30C and related discussion in the specification):

*content of a first question (e.g., “What’s IBM’s Phone Number?”);*

*content of a first answer to the first question (e.g., “What’s a 1-800 Number for IBM?”);*

*content of a second answer to the first question (e.g., “For Tech Support?”);*

*information uniquely identifying a second question that is to be posed if, when the first question is posed, the first answer is given (e.g., MS-Q2); and*

*information specifying a query that, when executed, generates information uniquely identifying a third question to be posed if, when the first question is posed, the second answer is given (e.g., 3041, 3043, 3045).*

### **Claim 34**

Rossides discloses at least (see at least Figures 30B, 30C and related discussion in the specification):

*posing a first question specified by the interaction script (e.g., “What’s IBM’s Phone Number?”);*

*receiving a response to the posed first question (e.g., “What’s a 1-800 Number for IBM?”);*

*identifying among a first and second response specified by the interaction script a specified response matching the received response (e.g., MS-Q2); if the first specified response is identified as matching the received response, posing a second question based upon identification by the interaction script of the second question in connection with the first specified response (e.g., 3040); and if the second specified response is identified as matching the received response: executing a database query specified by the interaction script in connection with the second specified response to identify a third question (e.g., transition from 3040 to 3041, 3043, 3045), and posing the identified third question (e.g., content of 3041, 3043, 3045).*

### ***Conclusion***

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Antony Nguyen-Ba, whose telephone

number is (703) 305-0103. The examiner can normally be reached on Tuesday - Friday from 6:15 – 3:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Fax Number (703) 872-9306

Art Unit 2122

October 20, 2003



**ANTONY NGUYEN-BA**  
**PRIMARY EXAMINER**